

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

W6 RESTAURANT GROUP,
LTD, DBA Barley House, et al.,

Plaintiffs

V.

ISABELLA CASILLAS GUZMAN,
in her official and individual capacity as
Administrator of the Small
Business Administration, et al.,

Defendants

CASE NO. 1:21-CV-02361

JUDGE BRIDGET MEEHAN BRENNAN

DECLARATION OF ROBERT GEORGE

I, Robert George, being duly cautioned and sworn, hereby declares as follows:

1. I am over the age of 18 and competent to testify on the matters and facts contained in this Declaration.

2. I partially own or manage many of the restaurants and bars that filed the captioned-lawsuit: Plaintiffs 100 E. Central Boulevard, LLC dba Stagger Inn (“Stagger Inn”), 1909 W25, LLC dba Town Hall Ohio City (“Town Hall”), 2125 Cafe, LLC dba Green Goat (“Green Goat”), TH CBUS, LLC dba Town Hall Columbus (“Town Hall Columbus”), Bistecca Corporation dba Parma Hts. Harry Buffalo (“Harry Buffalo”), HB Church Street, LLC dba Harry Buffalo Orlando (“Harry Buffalo Orlando”), HHHB, LLC dba Highland Heights Harry Buffalo (“Highland Heights Harry Buffalo”), JSJ Klub, LLC dba E.4th Harry Buffalo (“E.4th Harry Buffalo”), MGG Hospitality, LLC dba Rebol Cleveland (“Rebol”), Star Bar & Grill, Inc. dba Harry Buffalo (“Star Grill”), The Other Bar, LLC (“The Other Bar”), W6 Restaurant Group, LTD, dba Barley House (“Barley House”), Mandrake Columbus, LLC dba Town Hall Rooftop (“Town

Hall Rooftop”), Westerville Restaurant Group, LLC dba Harry Buffalo (“Westerville Harry Buffalo”), and Summer House, LLC dba Summer House (“Summer House”) (collectively, “Plaintiffs”).

3. Plaintiffs were significantly harmed by the COVID-19 Pandemic and the resulting federal, state and local regulations resulting from the COVID-19 Pandemic.

4. Recognizing the particular impact that COVID-19 had on restaurants, Section 5003 of the American Rescue Plan Act (“ARPA”) appropriated \$28.6 billion to create the Restaurant Revitalization Fund (“RRF”), which is administered by the Small Business Administration (the “SBA”).

5. Plaintiffs submitted their completed applications within the first few minutes after the RRF began accepting applications on May 3, 2021, but they never had their applications approved by the SBA.

6. I later learned that the reason for the lack of RRF funds was discrimination. In simple terms, Plaintiffs’ owners, although representing a diversity of backgrounds and races, do not meet the specific favored race or sex of the RRF.

7. Due to the fact that the RRF funds had been fully disbursed, this lawsuit was initially filed pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

8. However, most recently, the SBA announced that it will distribute \$180 million in unspent money allocated for the RRF as awards. With that announcement, the U.S. Government Accountability Office reported that because of the SBA’s lack of pre-award controls and deficiencies in post award reporting, it made several recommendations to correct those errors.

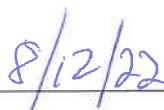
9. As the SBA has continued to fail to distribute RRF funds appropriately, and in accordance with the law, it is expected that the SBA will continue to distribute the RRF funds contrary to the Sixth Circuit's decision in *Vitolo*. To ensure that Plaintiffs' receive an equal shot at these much-needed relief funds, Plaintiffs seek an immediate, temporary restraining order requiring Defendants to halt paying out any grants from the fund until this Court can rule on a preliminary injunction.

10. The facts set forth in the First Amended Complaint and Jury Demand and Plaintiffs' Motion for Temporary Restraining Order are true and correct to the best of my knowledge.

11. This Declaration is based on my personal knowledge.

I have read the foregoing declaration and I affirm under penalty of perjury under the laws of Ohio and the United States of America that the foregoing is true and accurate to the best of my knowledge, information, and belief.


Robert George


Date